IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION LODGING NO.756 OF 2005

Madhukar Shridhar Joshi.....Petitioner
Vs.
Slum Rehabilitation Authority
& Ors. ..Respondents

Mr. A.Y. Sakhare, Senior Advocate with Mr. A.M. Sarogi, for

Mr. V.Y. Sanglikar, for Petitioner
Mr. G.D. Utangale for Respondent Nos. 1 and 2.

Mr. Pradeep Jadhav, AGOP for Respondent Nos. 3 and 4.

CORAM : F.I. REBELLO & S.P.KUKDAY,JJ.
DATED : 4th April, 2005

P.C.

. It is the grievance of the petitioners herein that they were held to be eligible in S.R.A. Scheme. Learned Counsel refers to proceedings in the City Civil Court. It is not necessary for us to go into that issue. It is his contention that at the instance of Respondent No.5 who had made a representation the matter was reconsidered by the respondent No.1 and they have been held ineligible and the premises which were entitled to have been allotted to Respondent No..5. Prima facie we are unable to understand as to how under the S.R.A.Scheme one person will be entitled to six structures. The policy of the scheme is one person will be entitled to one premises admeasuring 225 sq.ft.

2. Considering the above it will be open to the petitioners to prefer an Appeal. The Appellate Authority, if the petitioners were not parties to the suit, to consider whether the judgment of the City Civil Court is binding on the appellants before it. All other questions are left open

for consideration before the Appellate Authority. The Appeal to be disposed of within four weeks of the Appeal being filed. Appeal to be filed within two weeks from today. Considering the facts and circumstances if an objection as to limitation is raised the S.R.A. Appellate Authority to consider the matter bearing in mind that the Appellants before it were not parties in the proceedings before the City Civil Court and they had approached this Court. It is the case of the petitioners that petitioner Nos.1,2 and 3 have already been allotted permanent alternate accommodation and they have shifted therein. The respondent NO.1 not to evict the petitioners from the premises till the hearing of the Appeal. If the order is adverse to the Appellants the Respondent No.1 not to evict the petitioners

for a period of two weeks thereafter.

. With the above observation petition disposed of.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)